

## **Remarks**

Claims 1, 2, 4, 5, 7-10, 21 and 31 are pending. Claims 1, 21, and 31 have been amended. Claims 23, 26, 27, and 33 have been deleted.

### **I. Objections**

The informalities cited by the Examiner have been corrected as requested.

### **II. Rejections under 35 U.S.C. §112**

Claims 1, 21, and 31 have been amended to more clearly reflect the language of the specification. References to "summary" have been removed. Support for the current amendments may be found in the original specification, for example at page 5, lines 3-8 and page 5, lines 24 to page 6, line 2.

#### **I. Rejections under 35 U.S.C. § 103**

Claims 1, 2, 4, 5, 7-10, 21 and 31 stand rejected under § 103(a) as being unpatentable over U.S. Patent No. 6,279,007 to Uppala ("Uppala") in view of U.S. Patent No. 6,336,123 to Inoue et al. ("Inoue"). Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to rejected claims. It is submitted that, in the present case, no factual support exists to form a prima facie case of obviousness for the following, mutually exclusive, reasons.

#### **Claims 1, 2, 4, 5, and 7-10**

First, a prima facie case of obviousness can not be supported by the Uppala and Inoue references, because even when combined, the references do not teach the claimed subject matter. Under 35 U.S.C. § 103,

*A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)*

Thus, when evaluating a claim for determining obviousness, MPEP §2143.03 requires "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (emphasis added).

Claim 1, as amended, recites in part,

forming a third database table, said third database table having a first record representing a first one of the multiple simultaneous hierarchies and a second record representing a second one of the multiple simultaneous hierarchies; designating a first relationship between a first and second object in the first one of the multiple simultaneous hierarchies; and designating a second relationship between the first and second objects in a second one of the multiple simultaneous hierarchies.

The cited text of Uppala and Inoue, both singly and in combination, simply fail to teach these claim limitations. The Examiner has cited FIG. 7B of Uppala as teaching multiple simultaneous hierarchies, however, FIG. 7B clearly contains only the hierarchical values present in one tree, tree 600, (See, col. 6, lines 62-63) and does not include *multiple simultaneous* hierarchies. Accordingly, claim 1 is allowable over the Uppala patent in view of the Inoue patent. Claims 2, 4, 5, and 7-10 depend from and further limit claim 1 and are allowable over Uppala and Inoue for at least this reason.

#### Claim 21

With reference to claim 21, a prima facie case of obviousness can not be supported by the Uppala and Inoue references as required by MPEP §2143.03, because even when combined, the references do not teach the claimed subject matter. Claim 21 recites, in part,

forming a table having a first record representing a first one of the multiple simultaneous hierarchical database relationships and a second record representing a second one of the multiple simultaneous hierarchical database relationships;  
designating a first relationship between a first and second member in the first one of the multiple simultaneous hierarchies;  
designating a second relationship between the first and second members in a second one of the multiple simultaneous hierarchies

The cited text of Uppala and Inoue, both singly and in combination, simply fail to teach these claim limitations. The Examiner has cited FIG. 7B of Uppala as teaching multiple simultaneous hierarchies, however, FIG. 7B clearly contains only the hierarchical values present in one tree, tree 600, (See, col. 6, lines 62-63) and does not include *multiple simultaneous* hierarchies. Accordingly, because all limitations of claim 21 are not taught by the combination of Uppala and Inoue, claim 21 is allowable over the combination.

### Claims 31

With reference to claims 31, a prima facie case of obviousness can not be supported by the Uppala and Inoue references as required by MPEP §2143.03, because even when combined, the references do not teach the claimed subject matter. Claim 31 teaches, in part,

a third table for:  
storing a first record representing a first one of the multiple simultaneous hierarchies and a second record representing a second one of the multiple simultaneous hierarchies,  
wherein, a first relationship is designated between a first and second object in the first one of the multiple simultaneous hierarchies and a second relationship is designated between the first and second objects in a second one of the multiple simultaneous hierarchies.

The cited text of Uppala and Inoue, both singly and in combination, simply fail to teach these claim limitations. The Examiner has cited FIG. 7B of Uppala as teaching multiple simultaneous hierarchies, however, FIG. 7B clearly contains only the hierarchical values present in one tree, tree 600, (See, col. 6, lines 62-63) and does not include *multiple simultaneous* hierarchies. Claim 31 is therefore in a condition for allowance.

## **II. Conclusion**

Therefore, it is respectfully submitted that independent claims 1, 21, and 31 are in condition for allowance. Dependent claims 2, 4, 5, and 7-10 depend from and further limit their respective independent claims and therefore are allowable as well.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,



David M. O'Dell  
Registration No. 42,044

Dated: June 1, 2004  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 972/739-8635  
Facsimile: 214/200-0853  
File: 31988.8  
Doc: 63771\_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 6-2-04

